



Baysanto “patent on severed broccoli” revoked

Success for coalition against patents on seeds

7.11.2018 / The European Patent Office (EPO) has revoked patent EP1597965 covering traditionally bred broccoli. The plants are supposed to grow a little bit higher so that they can be harvested more easily. The patent was granted in 2013 to Monsanto, which has meanwhile been bought up by Bayer. The revocation follows an opposition filed in 2014 by a broad coalition of organizations.

The decision of the EPO is based upon new rules for the examination of patents adopted in 2017. Accordingly, patents on plants and animals can no longer be granted if they are derived from conventional breeding using methods like crossing and selection. It is the first time that these new rules have resulted in the revocation of a patent. However, there is still some legal uncertainty: just recently, in October 2018, the EPO rejected oppositions against patents held by the Carlsberg & Heineken breweries on conventionally bred barley.

“This is an important success for the broad coalition of civil society organizations against patents on plants and animals. Without our activities, the EPO rules would not have been changed and the patent would still be valid. The giant corporations, such as Bayer, Syngenta and BASF, have failed in their attempt to completely monopolize conventional breeding through using patents,” says Christoph Then for *No Patents on Seeds!*. “But there are still huge legal loopholes as shown in the case of conventionally bred barley. Political decision makers now have to take further action.”

The revoked patent covered the plants, the seeds and the harvested “severed broccoli heads” as an invention. It additionally covered a “plurality of broccoli plants grown in a field of broccoli.” In protest, *No Patents on Seeds!* set up 'the largest broccoli in the world' in front of the EPO building in Munich. The protesters also handed over around 75.000 signatures supporting the opposition and called for “free broccoli!”.

Some of the organisations involved in the opposition are: Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL), Arche Noah, Bingenheimer Saatgut AG, Bionext, BioForum Vlaanderen, Bund Naturschutz in Bayern (BUND), Bund Ökologische Lebensmittelwirtschaft (BÖLW), Bündnis für gentechnikfreie Landwirtschaft, FIAN e.V., Grupo de Acção e Intervenção Ambiental (GAIA), Gen-ethisches Netzwerk (GeN), Gesellschaft für ökologische Forschung, Getreidezüchtung Peter Kunz, IG FÜR, IG Nachbau, IG Saatgut, Katholisches Landvolk Bewegung (KLB), Navdanya International, Réseau Semences Paysannes, Umweltinstitut München, Verband Katholisches Landvolk und Zukunftsstiftung Landwirtschaft.

Contacts:

Christoph Then, *No Patents on Seeds!*, Tel +49 151 54638040, info@no-patents-on-seeds.org

Maaïke Raaijmakers, Bionext (Netherlands), Tel + 31 6 1001 6402, raaijmakers@bionext.nl

Johanna Eckhardt, *No Patents on Seeds!*, Tel +43 680 21 26 343,
johanna.eckhardt@no-patents-on-seeds.org

Documents:

[The decision of the EPO](#)

[The text of the opposition](#)

[Patent EP 1597965](#)

For more information: <https://www.no-patents-on-seeds.org/en/patent-cases/severed-broccoli>